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OFFICE OF PETITIONS

In re Application of
Andrew McPherson Downie et al.
Reissue Application No. 10/798,201
Filed: March 10, 2004
Attorney Docket No. 85170-4599

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: DECISION ACCORDING STATUS
: UNDER 37 CFR 1.47(a)
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This is in response to the petition under 37 CFR 1.47(a), filed July 26, 2004.

The petition is GRANTED.

The above-identified application was filed on March 10, 2004, without an executed oath or declaration and naming Andrew McPherson Downie, Edward Docherty Scott and Roy Powell as joint inventors.

Accordingly, on May 26, 2004, a "Notice To File Missing Parts of Application" was mailed, requiring an executed oath or declaration and a surcharge for its late filing. A two month period for reply was set.

In response, on July 26, 2004 a petition under 37 CFR 1.47(a) was filed with the last known address of Edward Docherty Scott, petition fee and surcharge, a declaration signed by all of the joint inventors except Mr. Scott. Additionally, a declaration by David Moreland on behalf of the assignee, a statement by the Attorney of Record, regarding the efforts enlisted to have Mr. Scott execute the oath or declaration and copies of correspondences between the assignee and the non-signing inventor have been submitted as proof that Mr. Scott refuses to cooperate with the filing of the instant application after having been provided with the application as filed.

The applicant files this petition alleging that joint inventor Edward Docherty Scott refuses to sign the oath/declaration and seeks status under 37 CFR 1.47(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an

acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). In view thereof, this application is hereby accorded Rule 1.47(a) status.

Thus, as provided in Rule 1.47©), this Office will forward notice of this application's filing to the non-signing inventors at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application is being forwarded to Technology Center 3672 for examination in due course.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (703) 305-4497.

A handwritten signature in cursive script, reading "Patricia Faison-Ball". The signature is written in black ink and is positioned above the printed name and title.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions